

JUNG YOUN LEE, JEONG AE LEE
C/O EASTRIDGE LIQUORS
1855 TULLY ROAD
SAN JOSE, CA 95122
PHONE: 408-712-8141

FILED

DEC 03 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

5/c

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CASE NO.: 5:19-CV-06474-VKD

SCOTT JOHNSON

Plaintiff

Vs

IN SUK JUN; KYU JIN JUN;
JUNG YOUN LEE; JEONG AE LEE;
AND DOES 1-10

Defendant

DEFENDANT'S MOTION TO DISMISS

Come now, the Defendants Jung Youn Lee and Jeong Ae Lee moves the court to dismiss Plaintiff's complaint with prejudice. The bases for this Motion are set forth in the accompanying Memorandum. In spite that there surely has been disability access parking, Plaintiff claimed that Defendants did not provide it.

PARTIES

1. Plaintiff is a California resident with physical disabilities. He uses a wheelchair for mobility and has a specially equipped van.

2. Defendants In Suk Jun and Kyu Jin Jun are the owner of the real property located at 1855 Tully Road, San Jose, California. ("Landlord").

3. Defendants Jung Youn Lee and Jeong Ae Lee are the tenant of the real property and the owner of Eastridge Liquors ("Store") at 1855 Tully Road, San Jose, California.

PLAINTIFF'S ALLEGATIONS

Plaintiff alleged that when he visited the Store in April 2019 (twice) and May 2019, accessible parking has not been provided. Therefore, he claimed that Defendants violated the Americans with Disabilities Act and the Unruh Civil Rights Act.

DEFENDANTS' ANSWERS

1. Landlord built brand-new parking in October 2018 in conformance with the Americans with Disabilities Act Title III Regulations ("ADA"), the Federal 1992 ADA Standards ("ADAAG") and in conjunction with the California Building Code in force at the time of construction. The City of San Jose approved the plan and inspected the parking lot twice, once during construction and once after completion.

2. The City of San Jose's approved plan No. was 17-002136 and inspection card No. was 17044235.

3. There have been no alterations, no repairs and no improvements since completion of construction.

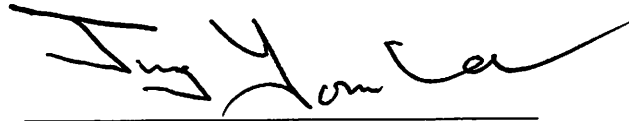
4. As an evidence of our answers, we hereby submit 7 pictures of new parking lot.

5. Since there obviously has been accessible parking in conformance with ADA and ADAAG when Plaintiff visited the Store in April and May 2019, Plaintiff's allegations are absolutely false.

CONCLUSION

1 For the reason stated above, the Defendants respectfully request the court to dismiss the complaint in
2 this case.

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6 Dated this 3rd of December 2019
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10 Jung Youn Lee

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13 Jeong Ae Lee
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15 Jung Youn Lee, and Jeong Ae Lee Does 1-10
16 c/o Eastridge Liquors
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18 San Jose, Ca 95122
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eastridge

1855



Modelo

Corona
Extra
Brewery

Red Light

Red Light

Red Light

Red Light







